

DEAV2002/0066 US NP

4

**Remarks**

Claims 1-3, 5-6 and 8-10 have been found allowable. The remaining claims (4, 7 and 11) have been amended for clarity so as to overcome objections thereto set forth by the Examiner in the rejection of claim 11 under 35 USC 101 set forth on page 2 of the Action as well as the rejection of claims 4 and 7 under 35 USC 112, 2<sup>nd</sup> paragraph on page 4 thereof. No new matter has been added.

Thus, referring to the rejection set forth on page 2 of the Action, claim 11 has been amended to recite that the microorganism is isolated. Accordingly, this objection should be withdrawn.

As regards the rejection of claims 4 and 7 discussed on page 4 of the action, each of these claims has been amended to delete the term 'or one of its variants or mutants.' Accordingly, this rejection should be withdrawn.

Finally, the rejection of claims 4, 7 and 11 under 35 U.S.C. 112 first paragraph, discussed on page 3 of the Action is respectfully traversed. Thus, in accordance with the requirement set forth on page 3 of the action, Applicants are submitting herewith a Deposit Declaration by Drs. Wein and Sieber. Accordingly, this rejection has clearly been obviated and should be withdrawn..

**Conclusions**

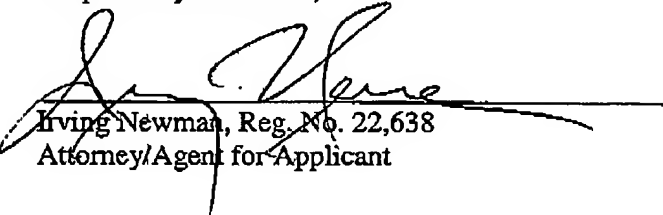
In view of the foregoing, it is submitted that all of the claims, as amended, (claims 1-11)

DEAV2002/0066 US NP

5

are now in condition for Allowance. Prompt action to that effect is earnestly solicited.

Respectfully submitted,



Irving Newman, Reg. No. 22,638  
Attorney/Agent for Applicant

Aventis Pharmaceuticals Inc.  
(a member of the sanofi-aventis group)  
U.S. Patent Operations  
Route #202-206 / P.O. Box 6800  
Bridgewater, New Jersey 08807-0800  
Telephone: 908-231-2785  
Telefax: 908-231-2626

Aventis Ref. No. DEAV2002/0066 US NP